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SUBJECT: CONGO/BRAZZAVILLE - 2009 TRAFFICKING IN PERSONS REPORT

REF: STATE 132759

11. Responses are according to questions 23-27 of reftel.

12. Current situation: The information for this report was provided to Post by officials of UNICEF, the Ministry of Justice (MOJ) and the Ministry of Health (MOH) who work with trafficking concerns. The Republic of Congo (ROC) is a destination country for children trafficked for the purposes of forced labor and, to a minor extent, commercial sexual exploitation. In 2007-8, community leaders and police in Pointe Noire identified 29 children as victims of trafficking, the majority from Togo, Benin and the Democratic Republic of the Congo (DRC). Mali, Guinea, Cameroon and Senegal are also source countries. However, the MOJ estimates that there are presently approximately 1,800 victims of trafficking throughout the ROC. There are no official records or reports to substantiate this estimate. Repatriation of victims has not occurred due to a lack of process and funding. Children trafficked from Benin and Togo are located in Pointe Noire, the commercial port center and are forced into the fishing industry, many eventually moving toward forced labor in the market places. MOH officials believe that Beninois who live in Pointe Noire travel to Benin and recruit the children by promising parents that their children will have a better education and future in the Congo. The arrival of trafficked children is still not documented. Girls are trafficked from rural areas to Pointe Noire and Brazzaville for forced street vending and domestic servitude. Children trafficked from the DRC are located primarily in Brazzaville and are trafficked for forced commercial activities and, to a lesser extent, sexual exploitation. The GROC is not able to provide numbers or facts with regard to sexual exploitation as no records have been developed or maintained. There have been no changes since the last TIP report.

13. Who are the Traffickers: Pointe Noire is home to a large number of Beninois who have a successful fishing industry. A large number of children are thought to be trafficked from Benin to support the fishing industry. The majority of trafficked children end up in commercial activities, forced market labor, selling charcoal and vegetables. There is no specific information available about sexual exploitation. Young girls, aged 12, arrive from the DRC and are in 'maisons caches' - hidden houses - in Brazzaville, but soon end up in the markets selling fruits and vegetables. There are no organized groups that traffic in children. Because of a lack of social services, the MOH reported that it is extremely difficult to distinguish Congolese street children from the children who have been trafficked.

14. Setting the Scene: ROC is still considered a post-conflict country. The GROC has not developed databases or recordkeeping processes in most segments of its administration. There are no government archives, statistics, or reports on this issue. The government is very limited in its ability to deal with problems of this nature due to, among other things, lack of program funding, non-existent data gathering capability, lack of effective border control, and overall corruption within various bureaucratic institutions. Local non-government organizations are limited in their ability to identify the nature and extent of the problem.

15. In spite of these limitations, the GROC has acknowledged that

a trafficking problem does exist and has spent the past three years working with staff of the local UNICEF to develop a National Plan of Action that has been implemented and a Child Protection Code that addresses trafficking that is still waiting to be passed by Parliament. The Minister of Health, Director General of the Ministry of Health, and MOH officials have taken the lead in anti-trafficking efforts. Until the law is finalized, there is no funding to support anti-trafficking activities. UNICEF provides funding from its country allocation for trafficking awareness programs and training, and while the GROC is supposed to match one-third of UNICEF's expenditures, the match has never been received. The GROC provides its match in terms of rooms and seminar set-up and training.

¶16. Involvement of government agencies: A working group consisting of two non-governmental organizations, ALTO and L'Espace pour Les Enfants, UNICEF, members of the Consulates of Benin, Togo and the DRC, police and law enforcement representatives, and community leaders that include Muslim and Christian groups, have developed a working group of communication. The MOH established this working group in order to present a 'train the trainer' workshop to 34 key individuals.

¶17. Assistance: The GROC has not allocated any funding for the specific purposes of identifying victims of trafficking, housing the victims, or returning them to their home countries.

¶18. Monitoring: The GROC has not established databases, recordkeeping, procedures or policies for victims of trafficking.

¶19. Existing laws: There have not been any laws passed regarding trafficking since the last TIP. The MOJ confirmed that there were no investigations, arrests, prosecutions, extraditions, convictions or sentences imposed in 2008 for alleged trafficking. As there are no laws specifically prohibiting trafficking, there are no prescribed or imposed penalties for trafficking people for sexual or labor exploitation. The law prescribes five to 10 years in prison for persons convicted of rape. There is no national database that records how many arrests were made for rape. As there is no law against trafficking, there are no prescribed penalties for crimes of trafficking persons for sexual exploitation to compare to the penalties against rape. Prostitution and pimping are both illegal under ROC law, but the crimes are rarely prosecuted or the laws enforced. While prostitution is common, the extent of pimping is neither well-known nor monitored. There were reports of isolated cases of child prostitution among the large numbers of street children in the main cities of Brazzaville and Pointe Noire, but this has not been linked to victims of trafficking. This appears to be more economically motivated as street children attempt to find means to buy food and other necessary items.

¶110. Protection: There is no specialized care, medical services or government funded facilities for any victims of trafficking. The government does not offer financial assistance to victims. There is no referral process in place. There are no records of detention or jailing of a victim of trafficking. Victims may file a civil suit but none has ever been filed. Training workshops funded by UNICEF and carried out by the MOH address providing assistance through local NGOs, such as ALTO and L'Espace pour Les Enfants. Local NGOs report cooperative efforts by the GROC but do not receive financial assistance from the GROC. The GROC does not provide assistance to foreign trafficking victims.

¶111. The GROC has established a solid working relationship with the Consulates of Benin and Togo in Pointe Noire. A member of the MoH observed the Nigeria-Benin Joint Agreement to Stop Trafficking between those two countries. A Memorandum of Understanding has been signed between the RoC and Benin to develop cooperative efforts to assist trafficking victims.

¶112. There is no evidence of tolerance or involvement in trafficking by government officials.

¶113. Prevention: The Government of the Republic of the Congo

(GROC) conducted several anti-trafficking awareness campaigns in the commercial port city of Pointe Noire during 2008. The Ministry of Health (MOH) held training workshops that were funded by UNICEF that included members of the Departments of Justice, Social Affairs, Security and diplomatic staff of the consulates of Benin, Togo and Democratic Republic of the Congo (DRC) and local Muslim and Christian community leaders. Banners, the main method of advertising, were prominently displayed throughout Pointe Noire and Brazzaville during most of 2008. The banners stressed the point that trafficking is illegal and will not be tolerated.

¶14. The GROC does not monitor immigration or emigration patterns. Databases are being created, and the National Action Plan, which has been implemented and will be funded with the passage of the Child Protection Code/Law by parliament, will create databases specific to trafficking victims and patterns.

¶15. A National Plan of Action has been implemented by the GROC, MOH and UNICEF leaders. This plan called for training seminars. UNICEF trained the trainers, members of the MOH, who then provided workshops to members of the various agencies mentioned in paragraph 5. The National Plan of Action will create databases to track and record victims of trafficking, provide funding for a department within the MOH to address trafficking, provide training to all law enforcement, and develop a return and reinsertion program for trafficked children. As of January, 2009, a Children's Protection Law, which has been submitted to Parliament twice and twice rejected for minor amendments, has not been passed.

¶16. Congo-Brazzaville is not a destination for child sex tourism.

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